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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRY CHAFIN,

Defendant and Appellant.

C081082

(Super. Ct. No. CRF151980)

Defendant Terry Chafin was charged with possession of a firearm by a person previously convicted of a felony and possession of metal knuckles. The complaint also alleged defendant had a prior serious felony and served a prior prison term.

On May 28, 2015, defendant pled no contest to possession of a firearm and admitted the prior strike as well as a probation violation in case No. CRF115453, in exchange for a stipulated sentence of 40 months in state prison and dismissal of the remaining count and enhancement. The factual basis for the plea is as follows: On March 28, 2015, defendant, having previously been convicted of a felony, was knowingly

in possession of a firearm. At the time of entry of the plea, the court terminated probation as unsuccessful in case No. CRF145001.

On December 15, 2015, the trial court heard and denied defendant's *Marsden*¹ motion and his motion to withdraw his plea. The court denied probation and sentenced defendant to 40 months in cases Nos. CRF151980 and CRF115453 as stipulated, plus 24 months in case No. CRF153306, for an aggregate term of five years four months in state prison, comprised as follows:

In case No. CRF151980, the court imposed the low term of 16 months, doubled pursuant to the prior strike; in case No. CRF153306, the court imposed a consecutive term of one year (one-third the middle term), doubled for the prior strike; and in case No. CRF115453, the court imposed a consecutive term of eight months (one-third the middle term).

The court imposed fees and fines in cases Nos. CRF151980 and CRF153306 as follows: a \$300 restitution fine, a \$300 parole revocation fine, stayed pending successful completion of parole, a \$40 court operations assessment, and a \$30 criminal conviction assessment. In case No. CRF115453, the court ordered the previously imposed fees and fines to remain in full force and effect, and ordered the previously suspended restitution fine due and payable. The court awarded defendant 525 days of presentence custody credit in case No. CRF151980, three days in case No. CRF115453, and no credits in case No. CRF153306.

Defendant filed a timely notice of appeal. The trial court granted his request for a certificate of probable cause.

Defendant's counsel filed an opening brief that sets forth the facts of the case and requests that we review the record and determine whether there are any arguable issues

¹ *People v. Marsden* (1970) 2 Cal.3d 118.

on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/
Robie, J.

We concur:

/s/
Nicholson, Acting P. J.

/s/
Hoch, J.